

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL B. WOOLMAN,)	4:15CV3095
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
ROCHESTER ARMORED CAR, Co.)	
INC.,)	
)	
Defendant.)	

Michael Woolman filed this action on August 7, 2015. He seeks leave to proceed in forma pauperis. (Filing No. [2](#).) Accordingly, the court will conduct an initial review of Woolman’s Complaint to determine whether summary dismissal is appropriate under [28 U.S.C. § 1915\(e\)\(2\)](#).

I. APPLICABLE LEGAL STANDARDS ON INITIAL REVIEW

The court is required to review in forma pauperis complaints to determine whether summary dismissal is appropriate. *See* [28 U.S.C. § 1915\(e\)](#). The court must dismiss a complaint or any portion of it that states a frivolous or malicious claim, that fails to state a claim upon which relief may be granted, or that seeks monetary relief from a defendant who is immune from such relief. [28 U.S.C. § 1915\(e\)\(2\)\(B\)](#).

Federal district courts are courts of limited jurisdiction. Federal district courts have original jurisdiction of civil actions where complete diversity of citizenship and an amount in excess of \$75,000 (exclusive of interest and costs) in controversy exist. [28 U.S.C. § 1332](#). Federal district courts also “have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” [28 U.S.C. § 1331](#).

II. DISCUSSION

Woolman's Complaint is labeled "PETITION AND AFFIDAVIT TO OBTAIN HARASSMENT PROTECTION ORDER." (Filing No. [1 at CM/ECF p. 1.](#)) Woolman seeks a protection order against the defendant in accordance with [Neb. Rev. Stat. § 28-311.09](#), which permits victims of harassment to obtain protection orders under Nebraska state law. Such petitions must be filed in Nebraska's state courts. See [Neb. Rev. Stat. §§ 25-2740](#) and [28-311.09](#). Therefore, the court will dismiss Woolman's Complaint for failure to state a claim on which relief may be granted. However, the court will dismiss the Complaint without prejudice to Woolman seeking a protection order as authorized by Nebraska law in Nebraska's state courts.

IT IS THEREFORE ORDERED that:

1. This case is dismissed without prejudice.
2. Woolman's Motion for Leave to Proceed in Forma Pauperis (Filing No. [2](#)) is denied as moot.
3. The court will enter a separate Judgment in accordance with this Memorandum and Order.

DATED this 10th day of August, 2015.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge

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